

**MEDICAL LICENSING BOARD OF INDIANA
INDIANA GOVERNMENT CENTER SOUTH
402 WEST WASHINGTON STREET
ROOM W064
INDIANAPOLIS, INDIANA 46204**

MINUTES OF AUGUST 24, 2006

N. Stacy Lankford, M.D., President called the meeting to order at 9:30 a.m. and declared a quorum in accordance with IC 25-22.5.

Members Present: N. Stacy Lankford, M.D., President
Worthe Holt, Jr., M.D., Vice President
William Beeson, M.D., Secretary
Bharat Barai, M.D.
Navin Barot, M.D.
Thomas Akre, D.O.
Steven Huddleston, J.D., Consumer Member

Staff Present: Michael Rinebold, Board Director
Professional Licensing Agency
Jody Edens, Assistant Board Director
Professional Licensing Agency
James Schmitt, Deputy Attorney General
Office of the Attorney General

The Board voted to adopt the agenda and addendum as amended.

Holt/Beeson, 7/0/0

The Board voted to adopt the minutes of the July 27, 2006 meeting.

Holt/Beeson, 7/0/0

PROBATIONARY APPEARANCES

The physicians listed below, appeared per their order and no other issues arose during the probationary appearance:

Glenn Ballengee, M.D. John Bulger, M.D. Kevin Smith, P.A.
Arnaldo Trabucco, M.D. Vance Raham, M.D.

Adam Cline, D.C., Acup. – Dr. Cline is missing documents required by his Probation Order. The Board gave Dr. Cline one (1) week to submit the documents to the Professional Licensing Agency.

PERSONAL APPEARANCES

INITIAL APPLICANTS

The following scheduled personal appearances were cancelled:

Frederick Grois, M.D. *Jill Jacobs, M.D.*

Richard Butler, M.D. – Dr. Butler appeared before the Board concerning a positive response on his initial application and was not represented by counsel. In 1987 Dr. Butler went into treatment for drug abuse. He has had over twenty (20) years of sobriety. His Illinois license was disciplined and is now clear. His staff privileges were suspended for thirty (30) days. He surrendered his DEA in 1987 due to his drug abuse. He is now doing locum tenens. After discussion the Board moved APPROVE for licensure pending a complete listing of places and dates where Dr. Butler has been employed and also requested a comprehensive evaluation on his performance.

Beeson/Holt, 7/0/0

Stacy Bax, M.D. – Dr. Bax appeared before the Board concerning a positive response on his initial application and was not represented by counsel. Dr. Bax received an irregular behavior annotation on his USMLE scores. He took in a folded piece of that had study notes on it so he could study during breaks. The Proctor confiscated the paper and noted the irregular behavior. He failed this exam and had to re-take at a later time. Dr. Bax also received a DUI in 1996. He attended a court ordered alcohol program. He has active licenses in CO, VA, PA. After discussion the Board moved to TABLE this application until Dr. Bax obtains an evaluation by a Board Certified Addictionologist. They also requested a letter from Dr Bax's program Director stating that they are aware of the irregular

behavior during the USMLE and if there have been any issues with him at the program. Once these items are received Dr. Bax must make a second personal appearance.

Beeson/Barai, 6/0/0
(Dr. Holt was out during this appearance)

Nora Benitez-Lopez, M.D. – Dr. Benitez-Lopez appeared before the Board concerning a positive response on her initial application and was not represented by counsel. Dr. Benitez-Lopez was disciplined for not delivering records in a timely manner to a patient after she had closed her practice. She received a letter of reprimand from the AZ Board. She hasn't practiced in the U.S. since August 2004. She has been practicing in the slums of Mexico. After discussion the Board moved to TABLE her application. The Board requested that Dr. Benitez-Lopez take one of the following examinations: SPEX, CPEP, or Board Certification in Internal Medicine. Once results are received she will need to make a second personal appearance.

Beeson/Akre, 5/1/1, with Dr. Barot against and Dr. Barai abstaining

Sherif Farag, M.D. – Dr. Farag appeared before the Board concerning the two (2) year post graduate requirement and was not represented by counsel. He has seventeen (17) months of the two (2) year requirement. He has a letter of support from Dean Brader with Indiana University School of Medicine and has had several publications. He also has an Ohio License. Based upon his application and presentation the Board ISSUED a one (1) year license for the IU/Clarian locations only.

Holt/Barai, 7/0/0

Richard Kennedy, M.D. – Dr. Kennedy appeared before the Board concerning a positive response on his initial application. Dr. Kennedy received a DUI in 2003. He attended the Ohio effectiveness program. He received a full evaluation and it was deemed that he did not have a problem. He obtained an evaluation by a Board Certified Addictionologist and the conclusion was in his favor. He is also a Lawyer in Ohio. After discussion the Board moved to APPROVE for licensure.

Holt/Beeson, 7/0/0

Shekar Pushpala, M.D. – Dr. Pushpala appeared before the Board concerning a positive response on his initial application and was not represented by counsel. Dr. Pushpala was denied a license in the State of Ohio for competency issues. After discussion the Board gave Dr. Pushpala the option to withdraw his application for licensure. Dr. Pushpala requested to withdraw his application. The Board APPROVED his request to withdraw.

Barai/Akre, 6/0/0
(Dr Holt was out during this matter)

Sandra Rodriguez-Rosario, M.D. – Dr. Rodriguez-Rosario (Rosario) appeared before the Board concerning the examination she took for licensure purposes and was represented by Mary Watts. Rosario took the Puerto Rico State constructed examination. She has practiced for the past five (5) years at the VA hospital located in Indianapolis using her Puerto Rico license. Rosario previously applied to the Board for licensure in 2001 and withdrew her application.

Rosario appears before the Board today asking the Board to waive the USMLE requirement and points to the fact that her husband was licensed with only passing the Puerto Rico exam and knows of at least two others with the same background that have been licensed.

Dr. Lankford informed the Board that the Puerto Rico examination is not valid and has no security. Dr. Lankford also shared information that typically the Puerto Rico exam is taken by physicians that are not planning to leave Puerto Rico. When asked the question as to whether or not Rosario was planning on leaving Puerto Rico when she took the exam she stated that it was not her intention to leave and that her plans changed after she took the exam.

It was discussed that Rosario spent four years as a resident with IU School of Medicine and six years of practicing at the VA in Indianapolis and after ten years of practicing medicine with her peers who would have passed the USMLE she did not understand that the USMLE was the standard for practicing medicine in the U.S.

Dr. Beeson stated that she has the opportunity to rectify this matter by taking the USMLE or continue to work with the VA. After further discussion the Board gave Dr. Rodriguez-Rosario the option to withdraw her application for licensure. Dr. Rodriguez-Rosario requested to withdraw her application. The Board moved to APPROVE her request to withdraw.

Barai/Beeson, 7/0/0

Marco Lacerda, M.D. – Dr. Lacerda appeared before the Board concerning the two (2) year post graduate requirement and was not represented by counsel. Dr. Paul Kwo with the transplant center at Indiana University School of Medicine appeared on behalf of Dr. Lacerda. Dr. Kwo trained with Dr. Lacerda at the Mayo Clinic and stated that Dr. Lacerda is an exceptional Physician in this field and IU would be privileged to have him. He has twenty-two (22) months of the two (2) year requirement. He has a letter of support from Dean Brader with Indiana University Medical School and has had several publications. Based upon his application and presentation the Board ISSUED a one (1) year license for the IU/Clarian locations only.

Barai/Beeson, 7/0/0

ADMINISTRATIVE HEARINGS

Juan Villafane, M.D., License No. 01035649A, Cause No. 2006 MLB 0021

Respondent did not appear in person and was not represented by counsel regarding a Final Hearing scheduled before the Board. The State of Indiana was represented by Steven Douglas, Deputy Attorney General and the court reporter sworn in for this matter was Lindy Meyer Jr., with Accurate Reporting of Indiana.

An agreement between the Respondent and the Attorney General's Office was presented to the Board by Steven Douglas, Deputy Attorney General. The agreement included an order mirroring the Respondent's Kentucky Order and a \$500.00 fine. His Kentucky license is not on probation, however he is limited in what he can do. After having considered the evidence presented and taking official notice of its file in this matter the Board moved to ACCEPT the agreement.

Holt/Barai, 7/0/0

Anthony Deluco, M.D., License No. 01043886A, Cause No. 2006 MLB 0013

Respondent did not appear in person and was not represented by counsel regarding a Final Hearing scheduled before the Board. The State of Indiana was represented by Steven Douglas, Deputy Attorney General and the court reporter sworn in for this matter was Lindy Meyer Jr., with Accurate Reporting of Indiana.

There was a question about whether the notice was mailed appropriately. It was mailed out by UPS mail and not regular first class. The UPS mailing was returned as undeliverable at the address listed. After discussion the Board moved to CONTINUE this matter and have the notice mailed out regular mail.

CONSENSUS

Sylvester A. Nathan, M.D., License No. 01036281A, Cause No. 2006 MLB 0017

Respondent did not appear in person and was not represented by counsel regarding a Final Hearing scheduled before the Board. The State of Indiana was represented by Elizabeth Kiefner, Deputy Attorney General and the court reporter sworn in for this matter was Lindy Meyer Jr., with Accurate Reporting of Indiana.

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to issue a Notice of Proposed Default.

Huddleston/Holt, 6/0/1, with Dr. Barai abstaining

Dr. Nathan appeared at 2:35 p.m. therefore the Board revisited this matter. After discussion the Board moved to VACATE the Notice of Proposed Default and moved to hold the hearing.

Huddleston/Holt, 6/0/1, with Dr. Barai abstaining

Dr. Nathan informed the Board that he has not practiced since February 2003. His Illinois license was disciplined. He must take the SPEX and complete 50 hours of CME and have Supervision. After having considered the evidence presented and taking official notice of its file in this matter the Board moved to require Dr. Nathan to satisfactorily completed his Illinois requirements before he can renew his Indiana license or apply for a new license in Indiana.

Akre/Barot, 6/0/1, with Dr. Barai abstaining

Tony Mercho, M.D., License No. 01046737A, Cause No. 2006 MLB 0012

Respondent did not appear in person and was represented by David Jose regarding a Final Hearing scheduled before the Board. The State of Indiana was represented by Elizabeth Kiefner, Deputy Attorney General and the court reporter sworn in for this matter was Lindy Meyer Jr., with Accurate Reporting of Indiana.

An agreement between the Respondent, his counsel and the Attorney General's Office was presented to the Board by Elizabeth Kiefner, Deputy Attorney General. The agreement includes a LETTER OF REPRIMAND and a \$500 FINE. After having considered the evidence presented and taking official notice of its file in this matter the Board moved to ACCEPT the agreement.

Huddleston/Holt, 6/0/1, with Dr. Barai abstaining

Gabrielle Morris, M.D., License No. 01056847A, Cause No. 2006 MLB 0004

Respondent did not appear in person and was represented by Andrew Peacock regarding a Final Hearing scheduled before the Board. The State of Indiana was represented by Elizabeth Kiefner, Deputy Attorney General and the court reporter sworn in for this matter was Lindy Meyer Jr., with Accurate Reporting of Indiana.

An agreement between the Respondent, his counsel and the Attorney General's Office was presented to the Board by Elizabeth Kiefner, Deputy Attorney General. The agreement includes INDEFINITE PROBATION until her California license is free and clear. She must also notify the Board should she move to Indiana to practice. After having considered the evidence presented and taking official notice of its file in this matter the Board moved to ACCEPT the agreement.

Huddleston/Holt, 6/0/1, with Dr. Barai abstaining

Riley J. Snook, M.D., License No. 01053264A, Cause No. 2006 MLB 0024

Respondent did not appear in person and was not represented by counsel regarding an Extension of Summary Suspension scheduled before the Board. The State of Indiana was represented by Elizabeth Kiefner, Deputy Attorney General and the court reporter sworn in for this matter was Lindy Meyer Jr., with Accurate Reporting of Indiana.

An agreement between the Respondent and the Attorney General's Office was presented to the Board by Elizabeth Kiefner, Deputy Attorney General. The agreement includes a 90 day EXTENSION of the SUMMARY SUSPENSION. After having considered the evidence presented and taking official notice of its file in this matter the Board moved to APPROVE the agreement.

Akre/Beeson, 6/0/1, with Dr. Barai abstaining

Adrienne Ray, M.D., License No. 01056636A, Cause No. 2006 MLB 0022

Respondent did not appear in person and was not represented by counsel regarding a Notice of Proposed Default scheduled before the Board. The State of Indiana was represented by Elizabeth Kiefner, Deputy Attorney General and the court reporter sworn in for this matter was Lindy Meyer Jr., with Accurate Reporting of Indiana.

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to hold the Respondent's license in DEFAULT.

Barai/Barot, 7/0/0

The Respondent's Illinois license has been disciplined for defaulting on a loan. The Respondent committed renewal fraud in Indiana by not disclosing his Illinois action. After having considered the evidence presented the Board moved to issue a LETTER OF REPRIMAND and ordered the Respondent to pay a \$1000 FINE within ninety (90) days.

Beeson/Akre, 7/0/0

Rakesh Gupta, M.D., License No. 01029292A, Cause No. 2006 MLB 0019

Respondent did appear in person and was represented by Stacy Cook regarding an Agreement scheduled before the Board. The State of Indiana was represented by Steven Douglas, Deputy Attorney General and the court reporter sworn in for this matter was Lindy Meyer Jr., with Accurate Reporting of Indiana.

The agreement includes CONTINUING EDUCATION relating to billing code procedures and a \$500 FINE. After having considered the evidence presented

and taking official notice of its file in this matter the Board moved to APPROVE the agreement.

Akre/Beeson, 4/1/2, with Dr. Barai against; Dr's Huddleston & Holt abstaining

REVIEW OF INITIAL APPLICATIONS

The Board reviewed the positive response information on the following applicants and approved them for issuance:

Abdul Abdellatif, M.D.	Mani Bala, M.D.	Robert Cattani, M.D.
David Diaz, M.D.	Irina Gubina, M.D.	Abdul Jabbar, M.D.
Alexander Lucas, M.D.	Anthony McEldowney, M.D.	Michelle Murphy, M.D.
Joe Parkey, M.D.	Ramesh Tank, M.D.	

The Board reviewed the positive response information on the following applicants and requested that they personally appear before the Board:

Janine James, M.D.	Peter Matel, M.D.	Zeyad Morcos, M.D.
Abiola Opeitum, M.D.		

DISCUSSION

Hospital Reporting Requirements – Alan R. Gillespie, M.D., Chief Medical Officer and Pam Jones, Esq., Legal Counsel for St. Francis Hospital appeared before the Board regarding this matter.

Dr. Gillespie requested the Board clarify IC 16-21-2-6 specifically the sentence "the report shall not be made for non-disciplinary resignations or for minor disciplinary action".

IC 16-21-2-6 states in part:

"Sec 6(a) The governing board shall report, in writing, to the Indiana medical licensing board the results and circumstances of a final, a substantive, and an adverse disciplinary action taken by the governing board regarding a physician on the medical staff or an applicant for the medical staff if the action results in voluntary or involuntary resignation, termination, non-appointment, revocation, or significant reduction of clinical privileges or staff membership. The report shall not be made for non-disciplinary resignations or for minor disciplinary action."

The Board does not have authority over Title 16 as it is under the authority of the State Board of Health. Therefore they can not make a clarification. The Board requested that Mr. Rinebold meet with Dr. Gillespie, Indiana State Department of Health and Tim Kennedy to possibly come up with rules to clarify this matter.

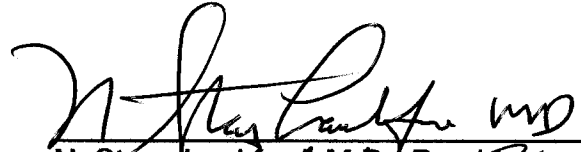
Ajaz Iqbal, M.D., License No. 01056015A, Cause No. 2004 MLB 0023

Respondent did not appear in person and was represented by John Tousley regarding Renewal of his License. Elizabeth Kiefner represented the State of

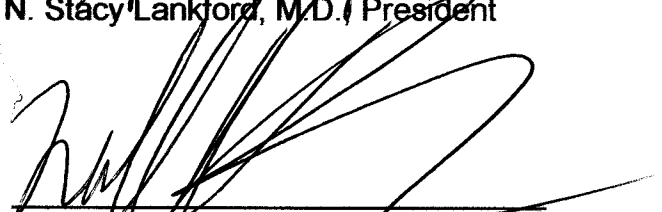
Indiana. Dr. Iqbal had an agreement with the Board that he would not renew his Indiana license until his Vermont license was reinstated free and clear. He underwent several Psychological evaluations which indicated he does not have a problem. His Vermont license has been reinstated. Ms. Kiefner supports the Respondents request to renew. After having considered the evidence presented and taking its file into consideration the Board moved to APPROVE Dr. Iqbal's request to renew. Since Dr. Iqbal's license has been expired past the three (3) year renewal limit, he was issued a new license number 01062688A.

Barai/Huddleston, 6/0/0
(Dr. Holt was out during this matter)

There being no further business the meeting adjourned at 3:30 p.m.



N. Stacy Lankford, M.D., President



William Beeson, M.D., Secretary